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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/755,285      | 01/04/2001  | William Joshua Price | M-9949 US           | 4689             |

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EXAMINER

RIOS CUEVAS, ROBERTO JOSE

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/755,285

Applicant(s)

PRICE, WILLIAM JOSHUA

Examiner

Roberto J Rios

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: application serial numbers for related applications disclosed in the CROSS-REFERENCE TO RELATED APPLICATIONS section are missing. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5, 6, 8, 10, 11, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Byers et al (US patent 5,809,543).

As per claims 1, 5, 6, 10 and 11, Byers et al (herein after Byers) teach a system comprising: a first plurality of elements (1048); a second plurality of elements (1050); a first group of one or more power sources; a second group of one or more power supplies (Figure 34); a first voltage circuit (1018) operable to generate a first shared voltage from the first and the second groups of one or more power supplies, the first shared voltage supplied to the first plurality of elements; and a second voltage circuit (1020) operable to generate a second shared voltage from the first and the second groups of one or more power sources, the shared second voltage supplied to the second plurality of elements, wherein the first voltage circuit and the second voltage circuit are similarly implemented (Figure 34).

As per claims 2, 13 and 14, Byers teaches the plurality of elements being memories and necessary control circuitry (col. 41, line 9).

As per claim 8, Byers teaches the first group of one or more power sources comprises at least one power supply (Figure 34).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byers in view of White (US patent 6,260,079).

As per claims 3 and 4, Byers teaches the plurality of elements comprising memories (i.e., disk drives) and associate control circuitry but does not specifically disclose a back-plane controller coupled to a port bypass circuit, the port bypass circuit operable to bypass an element in the first plurality of elements, wherein the bypassed element is a disk drive. However, White teaches a disk drive array (Figures 12, 13B) comprising a back-plane controller coupled to a port bypass circuit operable to bypass a disk drive (col. 20, line 64; col. 21, line 25).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Byers with the teachings of White such that a back-plane controller is coupled to a port bypass circuit for the purpose of bypassing any memory or disk drive element for hot-swapping purposes.

6. Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byers in view of Brookes (US patent 3,949, 238).

As per claims 7 and 12, Byers teaches the voltage sharing circuits but does not specifically disclose the claimed diode/fuse arrangement. However, Brookes teaches a voltage sharing arrangement between two power supplies comprising a diode and a fuse connected between each power supply and an output terminal (Figure 1).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Byers with the teachings of Brookes such that the claimed diode/fuse arrangement is used for the purpose of providing load isolation.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Byers.

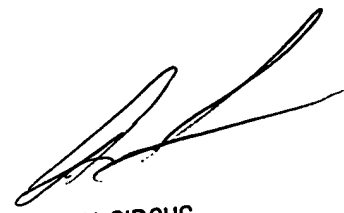
As per claim 9, Byers teaches using a power source but does not specifically disclose using a backup battery. However, the Examiner takes official notice that to include a backup battery as one of the power supplies would be an engineering design choice.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Byers such that one of the power supplies is a backup battery for the purpose providing auxiliary dc power in case of a faulty power source.

8. Art of general nature has been cited for applicant's review.

### **Communication with PTO**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberto Rios whose telephone number is (703) 306-5518. In the event that Examiner Rios cannot be reached, his supervisor, Brian Sircus may be contacted at (703) 308-3119. The fax number for Before-Final communications is (703) 872-9318, for After-Final communications is (703) 872-9319, and for Customer Service is (703) 872-9317.



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